

REMARKS

Claims 18-38, 39-44, and 47 are currently pending in the present applications, with Claims 18, 24, 28, 34, 44, and 47 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner objected to the Title of the present application as being non-descriptive. Applicant has amended the Title to more clearly describe the claimed inventions.

The Examiner rejected Claims 20-23, 25-27, and 42 under the judicially created doctrine of double patenting. Applicant hereby submits a terminal disclaimer to overcome the rejection.

The Examiner rejected Claims 18, 19, 24, 28, 29, 34, 38-41, 45, and 46 under 35 U.S.C. § 102(b) as being anticipated by Yoshida et al. (U.S. patent no. 5,764,610). This rejection is respectfully traversed with respect to the amended claims.

Claims 18 and 28 (and the claims dependent thereupon) are directed to an apparatus and a method for recording data to a recordable optical disk. In accordance with the claimed embodiments, the recordable optical disks include disk-applicable-recording-speed information that includes range information indicative of a range of applicable recording speed that may be used with the recordable disk. By providing a range of the applicable recording speed, a recording device can more accurately and safely determine the highest applicable recording speed to the recordable disk.

Yoshida does not contain any disclosure or suggestion of recordable disks having pre-recorded disk-applicable-recording-speed information that indicates a range of applicable recording speeds. Rather, as the Examiner stated, the recording devices disclosed in Yoshida determines a recording speed of a recordable disk by first determining the type of the recordable disk (e.g., CD-R, DVD-R, etc.), and, using that information, applies a default recording speed

(e.g., 4X). Yoshida does not teach or suggest, anywhere in the disclosure, providing pre-recorded information that contains a range of applicable recording speeds. Rather, the speed "determined" by the recording device in Yoshida is simply an educated guess based on the premise that a certain type of recordable disk must be recordable at a certain (and perhaps the lowest) applicable recording speed. Accordingly, Applicant respectfully submits that the rejected claims are not anticipated by, nor obvious in view of, Yoshida.

The Examiner rejected Claims 44 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Yoshida in view of Fukuda (U.S. patent no. 6,445,658). This rejection is respectfully traversed with respect to the amended claims.

Claims 44 and 47 have been amended similarly to Claims 18 and 28. As discussed above, Yoshida does not contain any disclosure or suggestion of recordable disks having pre-recorded disk-applicable-recording-speed information that indicates a range of applicable recording speeds. Likewise, Fukuda fails to make up for the deficiencies of Yoshida in that Fukuda too does not contain any disclosure or suggestion of pre-recording information indicative of a range of applicable recording speeds. According, Applicant also respectfully submits that Claims 44 and 47 are not obvious in view of Yoshida and Fukuda.

In view of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. An early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, Applicants respectfully request the Examiner to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032042210.

Respectfully submitted,

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